

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TREASURY DEPARTMENT OF THE :
COMMONWEALTH and :
TREASURER TIMOTHY A. REESE, in : No. 16-cv-351-JEJ
his official capacity, :
Plaintiffs, : (Hon. John E. Jones III)
v. : (Complaint filed: Feb. 26, 2016)
: :
DELAWARE STATE ESCHEATOR :
DAVID GREGOR, in his official :
capacity, MONEYGRAM :
INTERNATIONAL, INC., and :
MONEYGRAM PAYMENT :
SYSTEMS, INC., :
Defendants. :
:

PLAINTIFFS' MOTION TO SUSPEND CASE

Plaintiffs Treasury Department of the Commonwealth and Treasurer Timothy A. Reese (collectively, Treasury) hereby move this Court to enter an order suspending this case, and in support of this motion, Treasury states as follows:

1. Presently pending before the Court are motions to dismiss by each Defendant (docs. 25 & 29).
 2. Plaintiffs' response to the motions is due today.
 3. Each of the motions to dismiss seeks dismissal of this suit for lack of subject matter jurisdiction, arguing that jurisdiction lies exclusively in the United States Supreme Court's original jurisdiction.

4. In light of Defendants' respective jurisdictional arguments, and without endorsing or rejecting the same, Plaintiffs believe it an appropriate use of the parties' and the Court's resources to submit to the Supreme Court an original jurisdiction motion for leave to file, as required by Supreme Court Rule 17(3).

5. The Delaware State Escheator and MoneyGram Payment Systems, Inc. have provisionally indicated that they will not oppose Plaintiffs' motion for leave to file in the Supreme Court.

6. In light of this, Plaintiffs request that the Court immediately place this matter in administrative suspense pending the Supreme Court's ruling on the forthcoming motion for leave to file.

7. In the interim, Plaintiffs also request that the Court indefinitely stay the response deadline to the pending motions to dismiss.

8. If this case is suspended, Plaintiffs will file a report with this Court within seven days of the Supreme Court's ruling of the motion for leave to file, and, in any event, will file a report with this Court within 60 days of the date of the order granting this motion if a report has not already been filed.

9. Before filing this motion with the Court, Plaintiffs sought the concurrence of each Defendant.

10. As of the time of filing this motion, Defendant MoneyGram Payment Systems, Inc. concurs in the motion.

11. Defendant Delaware State Escheator has not yet supplied a final answer on concurrence or non-concurrence.

THEREFORE, Plaintiffs respectfully request that the Court grant this motion and enter an order placing this matter in administrative suspense and ordering appropriate periodic reports from Plaintiffs.

Respectfully submitted,

KLEINBARD LLC

By: /s/ Joshua J. Voss

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Attorneys for Plaintiffs

Dated: May 19, 2016

CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of Plaintiffs' Motion to Suspend Case to be served on all counsel of record via the Court's CM/ECF system.

Dated: May 19, 2016

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